

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Harvey D. Bailey, Inc.,
d/b/a Cross County Cartage,

Plaintiff(s),

vs.

Markel Insurance Company of Canada, et. al.,

Defendant(s).

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Case Number: 1:09cv372

Chief Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Hogan. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on February 19, 2010 a Report and Recommendation (Doc. 18). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 20) and Defendant Markel Insurance Company of Canada filed a response to the objections (Doc. 21). Plaintiff then filed a motion for leave to Reply to Memo Contra to Objections (Doc. 23) which this Court granted on March 30, 2010. On April 7, 2010, plaintiff filed a reply to defendant's memorandum contra to plaintiff's objections (Doc. 25).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, defendant's motion to dismiss is **GRANTED**.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court